

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

JAMES BOSTIC,

Plaintiff,

v.

CIVIL ACTION NO. 2:18-cv-01253

WESTERN REGIONAL JAIL,

Defendant.

ORDER

Pending before the Court is Plaintiff James Bostic's ("Plaintiff") Complaint. (ECF No. 2.) By standing order entered on January 4, 2016, and filed in this case on August 27, 2019, (ECF No. 3), this action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings and a recommendation for disposition ("PF&R"). Magistrate Judge Tinsley entered his PF&R on November 4, 2019, recommending this Court find that Plaintiff has failed to prosecute this action and dismiss this case "for failure to prosecute, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure." (ECF No. 5 at 2.)

This Court is not required to review, *de novo* or under any other standard, factual or legal conclusions contained within the PF&R to which no objections were addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and Plaintiff's right to appeal this Court's order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th


Cir. 1984). In addition, this Court need not conduct a *de novo* review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982).

Objections to the PF&R in this case were due on November 21, 2019. To date, Plaintiff has failed to submit any objection, thus constituting a waiver of *de novo* review and Plaintiff’s right to appeal this Court’s order. Accordingly, the Court **ADOPTS** the PF&R, (ECF No. 5), and **DISMISSES** this matter **WITH PREJUDICE**. The Clerk is **DIRECTED** to **REMOVE** this case from the active docket of this Court.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: December 3, 2019



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE